



A.No.2461 of 2023
in C.S.No.899 of 2004

R.N.MANJULA, J.

WEB COPY The application has been filed by the first defendant seeking interim direction to enable the applicant to have free access to room measuring 8'x50' on the ground floor South-Western side which was said to be allotted for the use of the applicant / first defendant pending disposal of the suit.

2. Though the applicant / first defendant had filed this application to have access to the above said room during the pendency of the suit, the learned counsel for the applicant submitted that the request to have access is for the purpose of securing certain documents on which he has to defend his case.

3. The prayer sought by the applicant / first defendant was seriously objected by the respondents / plaintiffs and they have filed their counter.

4. The plaintiffs have filed a suit for a scheme decree by removing the defendants from the trusteeship of the Muth. The very contention of the plaintiffs is that the Muth was not properly managed by the defendants and hence they have to be removed and a scheme for management has to be framed.



5. The relief sought by the applicant for having free access to the demarcated portion will only create further confusion and that may lead to some other cause of action as well. If the applicant feels that he had to take possession of documents alleged to be lying in the said room, it would have been ideal for him to file an application for the appointment of an advocate Commissioner to take inventory of any properties lying in the said room including the documents if any.

6. When the Court pointed out such a possibility, the learned counsel for the applicant / first defendant submitted that he will get instruction from the applicant and file an application to modify his prayer.

7. In view of the above submissions, this application is closed with a liberty to the applicant to file an application for appointment of a Commissioner to take inventory of any properties / documents lying in the said room.

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